

(イ) 國際制度ヲ採用スル締盟國ハ既ニ締結セラレタルカ又ハ今後締結セラルベキ特殊條約ニシテ國際制度ト兩立セザルモノニ依リテ國際制度ニ悖ラザルベキ義務

(ロ) 又ハ特殊條約ガ取得ノ中途ニ在ル權利又ハ既得ノ權利ノ保全ニ付國際條約案ニ依リテ規定セラルル條件ニ比較シテ全體トシテ少クトモ遜色ナキ條件ノ下ニ積極的規定ヲ設クル限リ國際制度ヲ採用スル締盟國ハ既ニ締結セラレタルカ又ハ今後締結セラルベキ特殊條約ニ依リテ當該條約ニヨリ離反シ得ル權限

報告書ノ表決

報告書ハ全體トシテ二十二票對零ニテ採擇セラレタリ

一九三四年六月十九日ジエネヴァ

(署名) 副議長 L・フォルヂユロン

副議長 G・ブイソソ

報告委員 E・スターソン

ろ—總會本會議ニ於ケル委員會報告書ノ審議

左記ニ掲載セシ報告書ハ千九百三十四年六月二十一日第十八回總會ノ第二十一回會議ニ提出セラレタリ右報告書ハ右會議及翌二十二日ノ會議ニ於テ審議セラレタリ討議概況ハ總會ノ假報告書ノ第二十

八及第二十九號ニ詳細ニ掲載セララル

委員會ノ結論案ニ對シテ提出セラレタル修正案ハ唯一ナリキ此ノ修正案ハ英國勞働者代表顧問ガ勞働者側ヲ代表シテ提案セシモノニシテ其ノ趣意ハ委員會ノ結論案ノ第三十點(即チ國際制度ヲ採用スル締盟國ノ官廳及社會保險機關ガ相互ニ付與スベキ相互援助ニ關スルモノ)ニ對シテ左記ノ規定ヲ加ヘントスルモノナリ

適當ナル勞働者團體ノ要求アルトキハ移住者ノ權利及義務ニ關シテ定メララルル特定ノ決定ニ關シ是等團體トノ協議スルコト

之ニ類スル修正案ハ既ニ委員會ニ於テ否決セラレタルヲ以テ此ノ修正案ハ報告委員ニ依リテ反對セラレタリ

右修正案ハ表決ニ付セラレ四十票對四十票ニテ否決セラレタリキ

討論中今一ツ茲ニ記載スル必要アル點ハ委員會ノ結論案ノ第三十四點(ロ)即チ國際制度ノ適用ニ付國際制度ヲ採用スル締盟國ヲ援助スル爲ノ特別ナル團體ノ設置ニ付諸國政府ニ諮問スベシトナス點ガ論争ヲ惹起シタルコトニシテ右論争ニ於テ佛蘭西使用者代表顧問ハ使用者側ニハ特別團體ノ設置ガ不可缺ノモノトハ思惟セラレザルヲ以テ使用者側トシテハ反對投票ヲ行ハザルヲ得ザル旨ヲ述べタリ數人ノ他ノ發言者ハ委員會提案ニ係ル右ノ點ヲ削除セザランコトヲ切望セリ委員會ノ報告委員ハ國際制

度ヲ採用スル締盟國間ノ協定ヲ必要トスル若干ノ管理上ノ措置ハ特別團體ガ存スルトキハ容易化セラ
 ルベキ事實ヲ特ニ強調シ尙其ノ設立ニ付キ諸國政府ニ諮問スルコトヲ切望スル者ハ委員會ノ大多數ヲ
 占ムル旨ヲ述ベタリ表決ノ結果第三十四點(ロ)ハ第十四票對十九票ニテ採擇セラレタリ
 次イデ委員會ノ結論ノ全體ハ九十三票對零ニテ採擇セラレタリ
 次イデ總會ハ九十九票對零ノ氏名點呼ヲ以テ左記ノ問題ヲ第二次討議ノ爲翌年次總會(第十九回千
 九百三十五年)ノ議題ニ上程スルコトニ決定セリ
 一國ヨリ他國ニ移住スル勞働者ノ爲廢疾、老齡及寡婦孤兒保險ニ基ク取得ノ中途ニ在ル權利及既得
 ノ權利ノ保全

三、一國ヨリ他國へ移住スル勞働者ノ爲廢疾、老
 齡及寡婦孤兒保險ニ基ク取得ノ中途ニ在ル權
 利及既得ノ權利ノ保全ニ關スル質問書

第一、國際制度ノ確立

一、國際勞働總會ハ條約案ニシテ強制廢疾、老齡、及寡婦孤兒保險ニ基キ左記ヲ組織スル爲右條約
 案ヲ批准スル締盟國ノ間ニ於テ有効ナル國際制度ノ確立ヲ規定スルモノヲ採擇スベシト考ヘラルル
 ヤ

- (イ) 取得ノ中途ニ在ル權利ノ保全(第二參照)
 - (ロ) 既得ノ權利ノ保全(第三參照)
- 第二、取得ノ中途ニ在ル權利ノ保全

受 益 者

受益者ノ定義

二、取得ノ中途ニ在ル權利ノ保全ノ爲國際制度ハ右制度ヲ採用スルニ又三以上ノ締盟國ニ於ケル保險

機關ニ引續キ加入スル勞働者及斯ル勞働者ノ被扶養者ニ適用スベシト考ヘラルルヤ
受益者ノ國籍

三、尙國際制度ハ左記ニ適用スベシト考ヘラルルヤ

- (一) 國籍ノ如何ヲ問ハズ一切ノ者ニ對シ又ハ
- (二) 本制度ノ採用スル締盟國ノ國民ニ對シテノミ

後ノ場合ニ於テハ本制度ノ受益者中ニ一切ノ無國籍者ヲ包含セシムルコトヲ提案セラルルヤ

保險期間ノ合算

權利ノ保全スル爲ノ合算

四、關係アル各機關ニ對シ取得ノ中途ニ在ル權利ヲ保全スル爲合算セラルベキ期間ハ左記ヲ包含スベシト考ヘラルルヤ

- (イ) 釀出金期間及
- (ロ) 釀出金ハ拂込マレザルモ左記ニ依リ權利ハ保全セラルル期間
 - (一) 關係アル機關ノ少クトモ一ノ法律ニ依リ又ハ
 - (二) 合算ヲ爲ス機關ノ法律ノミニ依リ
- (一)又ハ(二)ノ何レヲ欲スルヤ述ベラレ度シ

五、尙取得ノ中途ニ在ル權利ヲ保全スル爲合算セラルベキ期間ハ左記ヲ包含スベシト考ヘラルルヤ

- (イ) 國際制度ヲ採用スル他ノ締盟國ノ廢疾保險、老齡保險又ハ寡婦孤兒保險ノ機關ニ依リ年金ガ支拂ハラルル期間及
- (ロ) 本制度ヲ採用スル他ノ締盟國ノ社會保險ノ他ノ部門ニ依リ年金又ハ其ノ他ノ現金給付ガ支拂ハラルル期間(尤モ合算ヲ爲ス機關ノ法律ニ依リ支拂ハラルル對當ノ年金又ハ其ノ他ノ現金給付ガ取得ノ中途ニ在ル權利ヲ保全スル限リトス)

資格期間ヲ計算スル爲ノ合算

六、關係アル各機關ニ對シ資格期間(保險加入義務ノ最短期間)又ハ特殊ノ利益ヲ受クル資格ノ爲規定セラルル釀出金回数(最低保障年金)ヲ計算スル爲合算セラルベキ期間ハ左記ヲ包含スベシト考ヘラルルヤ

- (イ) 釀出金期間
- (ロ) 釀出金ハ拂込マレザルモ左記ニ依リ資格期間又ハ所定ノ釀出金回数ヲ計算スル爲計上セラルル期間
 - (一) 關係アル機關ノ少クトモ一ノ法律ニ依リ又ハ

- (二) 合算ヲ爲ス機關ノ法律ノミニ依リ
 - (一)又ハ(二)ノ何レヲ欲スルヤヲ述ベラレ度シ
- 特殊保險制度ニ關スル合算

七、イ尤モ關係アル締盟國ノ一ノ國內法ガ或ル種ノ利益ノ付與ニ付當該期間ハ特殊保險制度(例ヘバ給料被傭者保險、鑛夫保險)

適用ヲ受クル職業ニ於テ費サレタルコトヲ要ストノ條件ヲ付スル場合ニハ制限ガ適用セラルベシト考ヘラルルヤ

- (ロ) 若シ然リトセバ斯ル場合ニ於テハ關係アル他ノ締盟國ノ對當ノ特殊保險制度ノ下ニ費サルル期間ノミガ資格期間又ハ所定ノ釀出金回数ヲ計算スル爲合算セラルベシト考ヘラルルヤ
 - (ハ) 尤モ(ロ)ニ掲グル締盟國ノ一ニ於テ當該職業ニ對スル特殊保險制度ガ存在セザルトキハ右締盟國ニ於テ對當ノ制度ノ下ニ在ル當該職業ニ於テ費サルル期間ハ資格期間ヲ計算スル爲合算セラルベキコトニ同意セラルルヤ
 - (ニ) (ハ)ニ對スル回答ガ肯定的ナルトキハ合算ハ強制的ニ實行セラルベキヤ又ハ資格期間ヲ計算スル機關ノ裁量ニ委セラルベキヤ
- 權利ノ回復ノ爲及任意保險ニ加入スル權利ノ爲ノ合算

八、資格期間ヲ計算スル爲ノ保險期間ノ合算ニ關スル原則ハ左記ニモ亦適用スベシト考ヘラルルヤ

- (イ) 權利ノ回復
 - (ロ) 任意保險ニ加入スル權利
- 競合的期間ノ計算

九、本制度ニ參加スルニ又ハ三以上ノ締盟國ニ於テ同時ニ費サルル釀出金期間及類似ノ期間ハ合算ノ爲一回ノミ計上セラルベシト考ヘラルルヤ

短期間ノ除外

- 十 (ハ) 合算ノ爲當該期間ハ通計シテ或ル最短限度ヲ超ユルトキノミ計上セラルベシト考ヘラルルヤ
 - (ロ) 若シ然リトセバ右ノ最短限度ハ
 - (一) 特定ノ全國的癱疾保險又ハ寡婦孤兒保險制度ノ下ニ
 - (二) 又ハ専ラ決定ノ保險機關ニ於テ費サレタルコトヲ要スルヤ
 - (ハ) 右ノ最短限度ハ如何ニ定ムルコトヲ提案セラルルヤ
- 各保險機關ノ給付義務ノ決定

請求者ノ権利ノ各機關ニ依ル決定

十一、各機關ハ計上セラルベキ期間ヲ合算スルト共ニ請求者ガ所定ノ資格條件ヲ具備スルヤ否ヤヲ自己ノ法律ノミニ從ヒ決定スベシトスル原則ニ同意セラルルヤ
各機關ヨリ支拂ハルベキ給付ノ計算

十二、各機關ヨリ支拂ハルベキ給付ハ左ノ原則ニ從ヒ計算セラルベシト考ヘラルルヤ

(イ) 保險加入期間ニ應ジ變化スル給付(給付ノ構成分子)

各機關ニシテ之ニ對シ請求者ガ資格條件ヲ具備スル其ノ機關ハ其ノ法律ニ依リ給付ノ計算ノ爲計上セラルル期間ノミヲ考慮シテ自己ノ法律ニ從ヒ額ヲ決定ス

(ロ) 保險加入期間ニ關係ナク決定セラルル給付(給付ノ構成分子) (註)

此ノ場合ニ於テハ保險加入期間(資格期間ヲ除キ)ニ關係ナク決定セラルル給付又ハ給付ノ構成分子ノミガ左記ノ割合ヲ以テ換算セラルベキモノトス

- (一) 當該機關ノ法律ニ依リ給付ヲ計算スル爲計上セラルル期間ガ關係アル一切ノ機關ノ法律ニ依リ給付ヲ計算スル爲計上セラルル期間ノ全體ニ對シテ有スル割合又ハ
- (二) 當該機關ノ法律ノ下ニ費サルル釀出金期間ガ關係アル一切ノ機關ノ法律ノ下ニ費サルル釀出金期間ノ全體ニ對シテ有スル割合

(一)又ハ(二)ノ何レヲ欲スルヤヲ述ベラレタシ

(註) 釀出金ノ回数及額ニ關係ナク決定セラルル給付又ハ給付ノ構成分子ノ例。

一切ノ年金受給者ニ對シ同率ナル年金、保險加入期間ニ關係ナク決定セラルル固定額又ハ基本額、固定補助金、最低保障年金又ハ手當

十三、第十二問イ及ロニ提案セラルル原則ハ給付ガ保險加入期間ニ應ジ變化スルト保險加入期間ニ關係ナク決定セラルルトヲ問ハズ各種ノ給付ニ適用セラルル爲充分ニ明白ナリト思ハルルヤ
若シ然ラズトセバ如何ナル變更又ハ附加規定ガ望マシキヤヲ指示セラレ度シ

公ノ基金ヨリ支拂ハルベキ補助金、附加金又ハ手當

十四、第十二問イ及ロニ提案セラルル原則ハ全ク又ハ主トシテ公ノ基金ヨリ支拂ハルベキ補助金、附加金又ハ手當ニモ同様ニ適用セラルベキモノト思ハルルヤ

若シ然ラズトセバ斯ル補助金、附加金又ハ手當ニ如何ナル他ノ原則ヲ適用スルコトヲ提案セラルルヤ

一機關ノミガ給付ノ義務アル場合ニ於ケル減額原則ノ適用

十五、第十二問ロニ依ル減額ハ請求者ガ一機關ノミヨリ給付ヲ受クル資格アリ且保險期間ノ合算ノ結果トシテノミ右ノ資格アル場合ニ實行セラルベシト考ヘラルルヤ

請求者が最大限度ノ年金ヲ受クル資格アル場合ニ減額原則ヲ適用セザル權限

十六、被保險者が保險ニ付セラレタル最後ノ機關ハ保險事故ノ發生ニ基キ請求者が右機關ニ於テ費セル期間ノミニ依リ最大限度ノ年金ヲ受クル資格アル場合ニ於テ第十二問(ロ)ニ提案セラルル減額原則ヲ適用セザル權限ヲ與ヘラルベシト考ヘラルルヤ

短期間ニ關シ減額原則ヲ適用セザルコト

十七、(イ)通計シテ或ル最短限度以下ナル期間ハ若シ然ラズトセバ給付義務アルベキ機關ニ對シ給付義務ヲ生ゼシメザルコトヲ許容スルコトヲ提案セラルルヤ

(ロ) 若シ然リトセバ右ノ最短限度ハ

- (一) 特定ノ全國的癱疾保險、老齡保險又ハ寡婦孤兒保險制度ノ下ニ又ハ
- (二) 専ラ特定ノ機關ノ下ニ

費サレタルコトヲ要スルヤ

(ハ) 右ノ最短限度ヲ如何ニ定ムルコトヲ提案セラルルヤ

(ニ) 尙第十二問(ロ)ニ提案セラルル減額原則ハ通計シテ右ノ最短限度以下ニシテ且前記(イ)ニ從ヒ

給付義務ヲ生ゼシメザル期間ニ關シ關係アル他ノ何レノ機關ニ依リテモ適用セラレザルベキコトガ定メラルベシト提案セラルルヤ

保護條項

十八、(イ) 國際制度ニ參加スル少クトモ二締盟國ニ於テ給付ヲ受クル資格アル受益者ハ特定ノ機關ニ於テ費サルル期間ノミニ關シ取得スベキ給付ニ等シキ全給付ヲ保障セラルベシト考ヘラルルヤ

(ロ) 若シ然リトセバ右ノ保障ノ結果トシテ支拂ハルベキ補助的給付右ハ機關ヨリ支拂ハルベシト提案セラルルヤ

(ハ) 數箇ノ機關ガ關係アル場合ニハ補助的給付ハ是等ノ機關ノ各々が支拂フベキナリシ補助的

給付ニ比例シテ其ノ間ニ配分セラルルモノトシテ是等ノ機關ノ一ヨリ支拂ハルベキナリシ最高ノ補助的給付ノ額ニ從ヒ計算セラルベキコトニ同意セラルルヤ

(ニ) (ハ) ニ對スル回答ニシテ否定的ナルトキハ補助的給付ヲ支拂ヒ且之ニ付負擔額ヲ配分スル爲如何ナル他ノ原則ヲ提案セラルルヤ

給付全額ノ最高限度

十九、(イ) 國際制度ニ參加スルニ又ハ三以上ノ締盟國ノ機關ニ依リ付與セラルル給付ノ全額ハ計上セラルベキ一切ノ期間ニ關シ最モ有利ナル法律ヲ有スル機關ヨリ支拂ハルベキナリシ給付ノ額ニ之ヲ制限スル權限ヲ與フルコトヲ提案セラルルヤ

(ロ) 若シ然リトセバ此ノ爲給付全額ノ各部分ニ付比例的ニ減額ヲ行フベキヤ

醫療及看護

二十、(イ) 廢疾ノ理由ヲ以テ年金ヲ請求スル資格アルベキモノニ付廢疾ヲ豫防シ、延期シ、緩和シ又ハ治療スル爲醫療費及看護ノ設備ヲ居所ノ機關ニ委任スルコト望マシト考ヘラルルヤ

(ロ) (イ)ニ對スル回答ニシテ肯定的ナルトキハ關係アル他ノ機關ハ醫療及看護ノ費用ヲ分擔スベシト考ヘラルルヤ若シ然リトセバ如何ナル原則ニ依ルベキヤ

請求ノ解決

給付請求ノ提出

二十一、國際制度ニ基ク給付ノ請求ハ

(一) 請求ニ掲ゲラルル他ノ機關ニ通告スルコトトシテ關係アル機關ノ一ノミニ(特ニ居住國ノ機關ニ)又ハ

(二) 關係アル各機關ニ各別ニ

提出セラルベシト考ヘラルルヤ
爲替相場

二十二、(イ) 金額ガ國際制度ニ參加スル他ノ締盟國ノ通貨ニ換算セラルルコトヲ要スルトキハ締盟國ニシテ其ノ通貨ヲ以テ右金額ガ明示セラルルモノノ首府ノ外國爲替市場ニ於ケル兩通貨ノ間ノ比率

ニ依リ換算セラルベシト考ヘラルルヤ

(ロ) 尙換算ノ爲ノ爲替相場ガ確定セラルベキ日ヲ明示スルコトヲ望マシト考ヘラルルヤ

假給付

二十三、(イ) 最終的決定迄各機關ガ自己ノ法律ノ下ニ費サルル保險期間ノミニ依リ支拂ハルベキ給付ニ少クトモ等シモ假給付ヲ支拂フコトニ付規定スルコトヲ提案セラルルヤ

(ロ) 若シ然リトセバ斯ル假給付ノ支拂ハ

- (一) 各機關ニ對シ強制的タルベシト考ヘラルルヤ又ハ
 - (二) 任意タルベシト考ヘラルルヤ
- 任意規定

取得ノ中途ニ在ル權利ニ相當スル資金ノ移讓ニ依ル給付義務ノ履行

二十四、保險機關ニ對シ被保險者ガ出發ノ日ニ於テ取得ノ中途ニ在ル權利ニ相當スル資金ヲ爾後右被保險者ニ付責任アル機關ニ支拂フコトニ依リ(二機關ノ間ノ協定ニ從ヒ)右被保險者及其ノ被扶養者ニ對スル給付義務ヲ履行スルノ權限ヲ與フルコトヲ提案セラルルヤ

締盟國ガ第十二問ニ提案セラルル原則ニ從ハザルノ權限

二十五、締盟國ニ對シ相互ノ協定ヲ以テ特ニ各機關ノ法律ニ基ク給付ヲ計算スル爲計上セラルル期

間ヲ基礎トシテ各機關カ支拂フベキ給付ヲ計算スル爲第十二問(イ)及(ロ)ニ提案セラルル原則ニ從ハザル
權利ヲ與フルコトヲ提案セラルルヤ

第三、既得ノ權利ノ保全

受 益 者

受益者ノ居所

二十六、既得ノ權利ヲ保全スル爲國際制度ハ給付ヲ受クル資格アリ且給付義務アル機關ガ設ケラレ
居ル國ノ外ニ居住スル者ニ適用スベク且

(一) 其ノ居所ニ拘ラズ又ハ

(二) 本制度ヲ採用スル他ノ締盟國ノ領域内ニ居住スル間ノミ

適用スベシト考ヘラルルヤ

受益者ノ國籍

二十七、尙國際制度ハ

(一) 國籍ノ如何ニ拘ラズ一切ノ者ニ又ハ

(二) 本制度ヲ採用スル締盟國ノ國民ノミニ

適用スベシト考ヘラルルヤ

後ノ場合ニ於テハ本制度ノ受益者中ニ一切ノ無國籍者ヲモ包含セシムルコトヲ提案セラルルヤ

國際制度ニ依リ包含セラルベキ權利

保險給付

二十八、國際制度ハ

(一) 既ニ權利ヲ取得セル給付ノ全體又ハ

(二) 全ク又ハ主トシテ公ノ基金ヨリ支拂ハルベキ補助金、附加金又ハ手當以外ノ給付ノミ

ノ保全ヲ規定スベシト考ヘラルルヤ

公ノ基金ヨリ支拂ハルベキ補助金、附加金又ハ手當

二十九、國際制度ガ全ク又ハ主トシテ公ノ基金ヨリ支拂ハルベキ補助金附加金又ハ手當ノ保全ヲ規

定スル場合ニハ右利益ヲ

(一) 國籍ノ如何ニ拘ラズ一切ノ者ニ又ハ

(二) 本制度ヲ採用スル締盟國ノ國民ノミニ

適用スベキヤ

後ノ場合ニ於テハ右利益ハ一切ノ無國籍者ニモ適用スベキヤ

振替ニ關スル制限

三十、國外居住ノ場合ニ於テ年金ヲ一時金ニ振替フルコトニ關スル國內法ノ規定ハ本制度ヲ採用スル他ノ締盟國ノ領域内ニ居住スル間國際制度ノ受益者ニ適用セザルベシト考ヘラルルヤ
無釀出年金

三十一、(イ) 國際制度ハ無釀出制度ニ依リ付與セラルル年金ヲ受クル資格アル者ニシテ右ノ者ニ付給付義務アル國ノ外ニ居住スルモノノ爲無釀出制度ニ依リ付與セラルル年金ノ保全ニ付規定スベシト考ヘラルルヤ

(ロ) 若シ然リトセバ右ノ利益ハ無釀出年金ヲ受クル資格アル者ニ對シ

(一) 其ノ居所ニ拘ラズ又ハ

(二) 本制度ヲ採用スル他ノ締盟國ノ領域内ニ居住スル間ノミ

付與スルコトヲ提案セラルルヤ

給付支拂手續

支拂ノ方法

三十二、國際制度ニ依リ給付支拂義務アル機關ハ給付ヲ受クル資格アル者ニ對スル其ノ支拂義務ヲ自國ノ通貨ヲ以テ履行スル權限ヲ有スベキコトヲ定ムルコト望マシト考ヘラルルヤ
少額年金ノ振替

三十三、(イ) 給付支拂義務アル機關ニ對シ月額ガ最低限度ニ達セザル年金ヲ右機關ニ適用スル規定ニ依リ計算セラルベキ一時金ニ振替ル權限ヲ與フルコトヲ提案セラルルヤ

(ロ) 若シ然リトセバ右ノ最低限度ヲ如何ニ定ムルコトヲ提案セラルルヤ

(ハ) 尙一部の年金ガ國際制度ニ參加スルニ又ハ三以上ノ締盟國ノ機關ヨリ支拂ハルベキ場合ノ爲ノ特別最低限度ヲ定ムルコトヲ提案セラルルヤ

(二) 若シ然リトセバ右ノ特別最低限度ヲ如何ニ定ムルコトヲ提案セラルルヤ

減額又ハ停止規定

三十四、他ノ社會保險給付トノ競合的權利ノ場合又ハ保險加入義務ヲ伴フ勞務ノ遂行ノ場合ニ於ケル減額又ハ停止ノ爲ノ締盟國ノ國內法ノ規定ハ本制度ニ參加スル他ノ締盟國ノ領域内ニ於テ設ケラルル保險機關ニ依リ支拂ハルベキ給付及期ル領域内ニ於ケル勞務ノ遂行ニ關シテサヘモ國際制度ニ依リ給付ヲ受クル資格アル者ニ適用スベシト考ヘラルルヤ

第四 管理上ノ相互援助

相互援助ノ原則

三十五、國際制度ヲ採用スル締盟國ノ當該官廳及社會保險機關ハ自國ノ社會保險立法ヲ適用スル場合ト同一ノ程度ニ於テ相互援助ヲ與フベシトスル原則ヲ定ムルコト望マシト考ヘラルルヤ

三十六、相互援助ノ原則ニ賛成セラルルトキハ斯ル援助ハ國際制度ニ参加スル他ノ締盟國ノ保險機關ニ依ル右機關ニ支拂義務アル給付ヲ受クル者ガ資格條件ヲ具備スルヤ否ヤヲ決定スル爲要求セラルル必要ナル調査及身體検査ヲ包含スベシト考ヘラルルヤ

相互援助ノ費用

三十七、(イ) 相互援助ノ費用ノ償還ニ關スル原則ヲ定ムルコト望マシカルベシト考ヘラルルヤ

(ロ) 若シ然リトセバ償還セラルベキ金額ハ援助ヲ與フル官廳又ハ保險機關ノ表ニ依リ決定セラレバク且表ナキトキハ生ジタル實際ノ費用ヲ償還スベシト提案セラルルヤ

(ハ) 尙償還ガ行ハルベキ日ヲ定ムルコトヲ提案セラルルヤ然リトセバ如何ニ定ムベキヤ
免稅

三十八、一締盟國ノ當該官廳又ハ保險機關ニ提出セラルル書類ニ關シ付與セラルル免稅ノ特權ハ國際制度ノ管理ニ關聯シ本制度ニ参加スル他ノ締盟國ノ當該官廳及機關ニ提出セラルル對當ノ書類ニ擴張セラルベキコトヲ規定スルコトニ賛成セラルルヤ

受益者ノ居所ノ機關ニ依ル管理及給付全額ノ支拂

三十九、給付支拂義務アル機關ハ受益者ガ國際制度ニ参加スル他ノ締盟國ノ領域内ニ居住スル場合ニ

ハ給付支拂ノ義務アル機關ニ依ル償還ヲ條件トシテ受益者ノ居所ヲ管轄スル機關ガ給付ヲ支拂フベキコトヲ右機關ト協定スルノ權限ヲ付與セラルベシト考ヘラルルヤ

保險期間ヲ申告スルノ義務

四十、國際制度ヲ採用スル締盟國ノ保險ニ加入スル被保險者ハ右加入ノ日ヨリ起算セル一定期限内ニ本制度ヲ採用スル他ノ締盟國ノ保險ニ於テ右被保險者ニ依リ費サレタル期間ヲ申告スルコトヲ要求セラルベシト考ヘラルルヤ

第五 國際制度ノ實施

効力發生ノ日

四十一、條約案ニ依リ確立セラルベキ國際制度ノ効力發生ハ左ノ原則ニ從ヒ定メラルベシト考ヘラルルヤ

(イ) 最初ノ効力發生

二締盟國ニ依ル條約案ノ批准登録後十二ヶ月(尤モ右二締盟國ニ關スル限リトス)

(ロ) 他ノ締盟國ニ對スル効力發生

其ノ批准ノ登録後十二ヶ月

本制度ヲ適用スルニ付締盟國ヲ援助スル機關

四十二、(イ) 國際制度ノ適用ニ付國際制度ヲ採用スル締盟國ヲ援助スル爲特別ノ機關ヲ設クルコト有用ナルベシト考ヘラルルヤ

(ロ) 若シ然リトセバ右機關ノ構成ヲ如何ニ規律スルコトヲ提案セラルルヤ
國外居住ノ理由ニ依リ付與セラレザル又ハ停止セララルル年金

四十三、關係者ガ國外ニ居住スル理由ニテ國際制度ノ効力發生前付與セラレザリシ又ハ停止セラレ居リタル年金ハ右制度ノ効力發生ノトキヨリ付與セラレ又ハ再開始セララルベシト考ヘラルルヤ
本制度ノ効力發生前ノ期間ニ關スル權利ノ回復

四十四、國際制度ニ依リ取得ノ中途ニ在ル權利ヲ保全スル爲本制度ノ効力發生前ノ期間ニ關スル權利ヲ考慮スベシト考ヘラルルヤ
以前ノ付與ノ再審査及本制度ニ從フ權利ノ再審査

四十五、(イ) 國際制度ノ効力發生前ニ爲サレタル付與ヲ再審査シ及右制度ニ從テ權利ヲ回復シ又ハ付與ヲ爲ス爲權利ヲ再審査(尤モ再審査ハ本制度ノ効力發生前ノ期間ニ關スル未拂金ノ支拂又ハ給付ノ返濟ヲ生ゼシメザルベキモノトス)スルノ義務ガ課セラルベシト考ヘラルルヤ

(ロ) 若シ然リトセバ再審査ハ
(一) 職權ヲ以テ又ハ

(二) 關係アル機關ノ一ノ請求ニ基キテノミ又ハ
(三) 請求者ノ要求ニ基キテノミ
行ハラルベシト考ヘラルルヤ

(ハ) 尤モ再審査ハ

(一) 請求ガ一時金ノ支拂ニ依リ解決セラレタル場合
(二) 關係者ガ本制度ニ參加スルニ又ハ三以上ノ締盟國ノ機關ニ依リ國際制度ノ効力發生前ニ年金ヲ付與セラレタル場合ニ行ハレザルベシト考ヘラルルヤ

別制老齡保險ヲ確立セザル締盟國ニ依ル約定

四十六、締盟國ニシテ其ノ批准ノ日ニ於テ少クトモ老齡事故又ハ廢疾事故ヲモ包含スル強制保險制度(又ハ無釀出年金制度)ヲ未ダ設ケザルモノハ批准ニ依リ其ノ批准ノ登録後十二ヶ月以内ニ左記ヲ包含スル強制保險制度(又ハ無釀出年金)ヲ採用スルコトヲ約スベシト考ヘラルルヤ

(一) 老齡事故又ハ
(二) 老齡及廢疾事故

保險法ニ依リ充サルベキ最低條件

四十七、(イ) 尙取得ノ中途ニ在ル權利ノ保全ニ關聯シ國際制度ニ依リ定メラルル利益ヲ全體トシテ請

求スルコトヲ得シムル爲本制度ニ參加スル各締盟國ハ廢疾保險、老齡保險及寡婦孤兒保險ニ關シ最低條件ヲ充立ス法ヲ爲スコトヲ要スト考ヘラルルヤ

(ハ)(ロ) 若シ然リトセバ充サルベキ最低條件ハ何タルベキヤ

(ハ) 若シ然ラズトセバ國際制度ニ參加シ且法令ガ廢疾、老齡及死亡ノ三事故(又ハ是等ノ事故ノ二ノミ)ヲ包含スル締盟國ハ取得ノ中途ニ在ル權利ノ保全ニ關シ同様ニ本制度ニ參加スルモ是等ノ事故ノ二ノミ(又ハ老齡事故ノミ)ヲ包含スル他ノ締盟國トノ關係ニ於テ特別規定ヲ適用スルコトヲ得シムベシト考ヘラルルヤ

(ニ) (ハ) ニ對スル回答ニシテ肯定的ナルトキハ斯ル場合ニ如何ナル特別規定ガ適用セラルベキヤ本制度ヲ採用スル締盟國ノ國民ニ對スル均等待遇

四十八、(イ) 國際制度ノ採用ハ一切ノ締盟國(右締盟國ガ國際勞動總會ニ依リ採擇セラレタル強制廢疾保險、強制老齡保險及強制寡婦孤兒保險ニ關スル條約案ヲ批准セザル限リトス)ニ對シ本制度ニ參加スル他ノ締盟國ノ國民ヲ強制廢疾、老齡及寡婦孤兒保險ニ加入セシムルコトニ關シ及斯ル保險ノ給付ニ關シ自國民ト同一ノ地步ニ於テ待遇スルコトノ約定ヲ伴フベシト考ヘラルルヤ

(ロ) 若シ然リトセバ右ノ約定ハ全ク又ハ主トシテ公ノ基金ヨリ支拂ハルベキ年金ノ補助金、附加金又ハ一部ニ關スル限り制限セラルルヲ可ト考ヘラルルヤ其ノ場合ニ於テハ如何ナル制限

ヲ定ムルコトヲ提案セラルルヤ
廢棄ノ効力

四十九、國際制度ヲ確立スル條約ノ締盟國ニ依ル廢棄ハ左記ニ影響セザルベキコトヲ定ムベシト考ヘラルルヤ

(イ) 本制度ガ右締盟國ニ對シ効力ヲ失フ前發生セル事故ニ關スル保險機關ノ義務

(ロ) 右締盟國ニ對シ本制度ガ効力ヲ失フ前ノ期間ニ關スル取得ノ中途ニ在ル權利

國際制度ト特殊條約トノ關係

五十、(イ) 國際制度ヲ採用スル締盟國ハ國際制度ト兩立セザルベキ特殊條約ヲ相互ニ締結スルコトニ依リ國際制度ニ悖ラザルコトヲ約スベシト考ヘラルルヤ

(ロ) 若シ然リトセバ國際制度ニ參加スル締盟國間ニ於テ右制度ガ効力發生スル前締結セラレタル特殊條約ニ關シ同一ノ約定ヲ設クベシト考ヘラルルヤ

(ハ) (イ)ニ掲グル約定ガ國際制度ニ參加スル締盟國ニ對シ要求セラレザルベシトノ意見ヲ有セラ
ルルナラバ右締盟國ハ相互間ニ特殊條約(尤モ右條約ハ國際制度ニ依リ定メララルル條件ト全體トシナ少クトモ同等ノ條件ニ依リ取得ノ中途ニ在ル權利及既得ノ權利ヲ保全スル爲積極的規定ヲ設クル但シ書ヲ條件トス)ヲ締結スルコトニ依リ國際制度ニ從ハザルノ權限ヲ付與セ

ラルベシト考ヘラルルヤ

(ニ) (ハ)ニ對スル回答ニシテ肯定的ナルトキハ國際制度ニ參加スル締盟國ニ依リ右締盟國ニ對シ
右制度ガ効力ヲ發生スル前締結セラレタル特殊條約ニ關シ同一ノ但シ書ヲ適用スベシト考ヘ
ラルルヤ

QUESTIONNAIRE

I. — ESTABLISHMENT OF INTERNATIONAL SCHEME

1. Do you consider it desirable that the International Labour Conference should adopt a Draft Convention providing for the establishment of an international scheme, operative among Members adopting it, to organise under compulsory invalidity, old-age and widows' and orphans' insurance:

- (a) the maintenance of rights in course of acquisition (see II);
- (b) the maintenance of acquired rights (see III)?

II. — MAINTENANCE OF RIGHTS IN COURSE OF ACQUISITION

BENEFICIARIES

Definition of beneficiaries

2. Do you consider that, for the purpose of the maintenance of rights in course of acquisition, the international scheme should apply to workers affiliated in succession to insurance institutions in two or more States Members adopting the scheme, and to the dependants of such workers?

Nationality of beneficiaries

3. Further, do you consider that the international scheme should apply:

(i) to all persons, irrespective of nationality?

or (ii) only to nationals of Members adopting the scheme?

In the latter case, do you propose also to include among the beneficiaries of the scheme all persons without nationality?

TOTALISATION OF INSURANCE PERIODS

Totalisation for maintaining rights

4. Do you consider that, for the purpose of maintaining rights in course of acquisition as against each institution concerned, the periods to be totalised should comprise:

- (a) contribution periods ;
(b) and also periods in respect of which contributions are not payable but during which rights are maintained, either (i) under the law of at least one of the institutions concerned ;
or (ii) only under the law of the institution which is totalising ?

Please state whether you prefer solution (i) or solution (ii).

5. Further, do you consider that, for the purpose of maintaining rights in course of acquisition, the periods to be totalised should comprise :

- (a) periods during which a pension is paid by an invalidity insurance, old-age insurance, or widows' and orphans' insurance, institution of any other Member adopting the international scheme ?
(b) and also periods during which a pension or other cash benefit is paid by another branch of social insurance of another Member adopting the scheme in so far as a corresponding pension or other cash benefit, paid under the law of the institution which is totalising, would maintain rights in course of acquisition ?

Totalisation for reckoning qualifying period

6. Do you consider that, for the purpose of reckoning the qualifying period (minimum duration of liability to insurance) or the number of contributions prescribed for entitlement to special advantages (guaranteed minimum pensions) as against each of the institutions concerned, the periods to be totalised should comprise :

- (a) contribution periods ;
(b) and also periods in respect of which contributions are not payable but which are counted for the purpose of reckoning the qualifying period or the prescribed number of contributions :
either (i) under the law of at least one of the institutions concerned ;
or (ii) only under the law of the institution which is totalising ?

Please state whether you prefer solution (i) or solution (ii).

Totalisation with respect to special insurance schemes

7 (a). Do you consider, however, that a restriction should be applied where the national law of one of the Members concerned subjects the grant of certain advantages to the condition that the periods must have been spent in an occupation covered by a special insurance scheme (e.g. salaried employees' insurance, miners' insurance) ?

(b) If so, do you propose that in such cases only periods spent under the corresponding special insurance scheme of the other Member or Members concerned should be totalised for the purpose of reckoning the qualifying period or the prescribed number of contributions ?

(c) Where, however, there does not exist in one of the States Members referred to in paragraph (b) a special insurance scheme for the occupation in question, do you agree that periods spent in that State in the occupation in question under a non-corresponding scheme should be totalised for the purpose of reckoning the qualifying period ?

(d) If the reply to (c) is in the affirmative, should totalisation be effected compulsorily, or at the discretion of the institution reckoning the qualifying period ?

Totalisation for recovery of rights and for right to enter voluntary insurance

8. Do you consider that the rules for the totalisation of insurance periods for the purpose of reckoning the qualifying period should also apply :

- (a) to the recovery of rights ?
(b) to the right to enter voluntary insurance ?

Reckoning of concurrent periods

9. Do you propose to provide that contribution periods and assimilated periods spent simultaneously in two or more States Members participating in the scheme shall be reckoned once only for the purpose of totalisation ?

Disregard of short periods

10. (a) Do you propose that it should be laid down that, for the purpose of totalisation, periods should be reckoned only if in the aggregate they exceed a certain minimum ?

- (b) If so, must this minimum have been spent
- (i) under a particular national scheme of invalidity insurance, of old-age insurance, or of widows' and orphans' insurance?
- or (ii) entirely with a particular insurance institution?
- (c) How do you propose to fix this minimum?

DETERMINATION OF BENEFIT LIABILITY OF EACH INSURANCE INSTITUTION

Appraisal by each institution of rights of claimant

11. Do you agree with the principle that each institution, while totalising the periods to be counted, should determine only in accordance with its own law whether the claimant satisfies the prescribed qualifying conditions?

Calculation of benefit due from each institution

12. Do you consider that the benefit due from each institution should be calculated according to the following rules?

- (a) Benefits (benefit components) varying with the time spent in insurance:

Each institution with respect to which the claimant satisfies the qualifying conditions determines the amount in accordance with its own law, having regard only to periods counted for the purpose of calculating benefits under that law.

- (b) Benefits (benefit components) determined independently of the time spent in insurance¹:

In this case only benefits, or benefit components, determined independently of the time spent in insurance (save the qualifying period), are to be reduced in the proportion:

either (i) of the periods counted for the purpose of calculating benefits under the law of the institution to the total of the periods counted for the purpose of calculating benefits under the laws of all the institutions concerned;

¹ Examples of benefits, or benefit components, determined independently of the number and amount of contributions: pensions the rate of which is the same for all pensioners, fixed sums or basic amounts determined independently of the time spent in insurance, fixed supplements, guaranteed minimum pensions or allowances.

or (ii) of the contribution periods spent under the law of the institution to the total of the contribution periods spent under the laws of all the institutions concerned.

Please state whether you prefer solution (i) or solution (ii).

13. Do the rules suggested in paragraphs (a) and (b) of Question 12 appear to you sufficiently explicit for the purpose of being applied to the different types of benefits, whether they vary with the time spent in insurance or are determined independently of the time spent in insurance?

If not, please indicate what modifications or additional provisions are desirable.

Subsidies, supplements or allowances payable out of public funds

14. Do the rules suggested in paragraphs (a) and (b) of Question 12 appear to you to be likewise applicable to subsidies, supplements or allowances which are payable wholly or mainly out of public funds?

If not, what other rules do you propose to apply to such subsidies, supplements or allowances?

Application of reduction rules where only one institution is liable for benefit

15. Do you consider that reduction according to paragraph (b) of Question 12 should be effected where the claimant is entitled to benefit from only one institution and is so entitled only as the result of the totalisation of insurance periods?

Power not to apply reduction rules where claimant is entitled to maximum pension

16. Do you consider that the last institution with which the insured person is insured should be empowered not to apply the reduction rules suggested in paragraph (b) of question 12 where, on the happening of the event insured against, the claimant is entitled to the maximum pension in virtue of those periods only which he has spent with that institution?

Non-application of reduction rules in respect of short periods

17. (a) Do you propose to permit that periods which in the aggregate are below a certain minimum should not entail liability for benefit on an institution or institutions which would otherwise be liable?

(b) If so, must this minimum have been spent

(i) under a particular national scheme of invalidity insurance, of old-age insurance, or of widows' and orphans' insurance?

or (ii) entirely under a particular institution?

(c) How do you propose to fix this minimum?

(d) Further, do you propose that it should be laid down that the reduction rule suggested in clause (b) of Question 12 is not to be applied by any of the other institutions concerned in respect of periods which in the aggregate are below the minimum fixed and which, in accordance with clause (a) above, do not entail liability for benefit?

Protective clause

18. (a) Do you consider that a beneficiary entitled to benefit in at least two States Members participating in the international scheme should be guaranteed a total benefit equal to the benefit which he would obtain in respect only of the periods spent with a particular institution?

(b) If so, do you propose that any complementary benefit due as a result of the operation of this guarantee should be due from that institution?

(c) Do you agree that, where several institutions are concerned, the complementary benefit should be reckoned according to the amount of the highest complementary benefit which would be due from any one of these institutions, the liability for it to be distributed among them in proportion to the complementary benefit which would have been due from each individually?

(d) If the reply to (c) is in the negative, what other rules do you propose for reckoning the complementary benefit and distributing liability for it?

Maximum limit for total benefit

19. (a) Do you propose to give power to limit the total benefit awarded by the institutions of two or more Members participating in the international scheme to the amount of the benefit which would be due in respect of all the periods which are to be counted from the institution having the most favourable law?

(b) If so, should any reduction on this account be effected proportionally on each portion of the total benefit?

Medical treatment and care

20. (a) Do you consider it desirable to entrust the institution of the place of residence with the provision, for persons who, on the ground of invalidity, would be entitled to claim a pension, of treatment and care for the purpose of preventing, postponing, alleviating or curing invalidity?

(b) If the reply to (a) is in the affirmative, do you consider that the other institution or institutions concerned should share in the cost of treatment and care and, if so, according to what rules?

SETTLEMENT OF CLAIMS

Submission of claims for benefit

21. Do you consider that claims for benefit under the international scheme should be submitted

(i) to only one of the institutions concerned (in particular to the institution of the country of residence) which would inform the others mentioned in the claim?

or (ii) severally to each institution concerned?

Rate of exchange

22. (a) Do you consider that, when a sum has to be converted into the currency of another Member participating in the international scheme, it should be converted according to the relation between the two currencies in the foreign exchange market of the capital of the Member in whose currency it is expressed?

(b) Further, do you consider it desirable to specify the date on which the exchange rate for the purpose of conversion is to be ascertained? If so, what date do you propose?

Provisional benefit

23. (a) Do you propose to provide for the grant by each institution, pending final settlement, of provisional benefit at least equal to that payable in virtue only of insurance periods spent under its own law?

(b) If so, do you consider that the grant of such provisional benefit should be:

(i) obligatory for each institution?

or (ii) optional?

OPTIONAL PROVISIONS

Discharge of liability by transfer of capital representing rights in course of acquisition

24. Do you propose to give power to an insurance institution to discharge its liability to the insured person and his dependants by paying to the institution which is thenceforward responsible for him, subject to agreement between the two institutions, the capital representing his rights in course of acquisition at the date of his departure ?

Power of Members to agree to depart from rules suggested in Question 12

25. Do you propose to give power to Members, in agreement with one another, to depart from the rules suggested in paragraphs (a) and (b) of Question 12 for the purpose of calculating the benefits for which each institution is liable, on the basis in particular of the periods counted for the purpose of reckoning benefits under the law of each institution ?

III. — MAINTENANCE OF ACQUIRED RIGHTS

BENEFICIARIES

Residence of beneficiaries

26. Do you consider that, for the purpose of maintaining acquired rights, the international scheme should apply to persons entitled to benefits and resident outside the country in which the institution liable for benefit is established, and should so apply

(i) irrespective of their place of residence ?

or (ii) only while resident in the territory of any other Member adopting the scheme ?

Nationality of beneficiaries

27. Further, do you consider that the international scheme should apply :

(i) to all persons, irrespective of nationality ;

or (ii) only to nationals of Members adopting the scheme ?

In the latter case, do you propose to include also among the beneficiaries of the scheme all persons without nationality ?

RIGHTS TO BE COVERED BY INTERNATIONAL SCHEME

Insurance benefits

28. Do you consider that the international scheme should provide for the maintenance :

(i) of the entirety of the benefits, the right to which has been acquired ?

or (ii) only of benefits other than subsidies, supplements or allowances which are payable wholly or mainly out of public funds ?

Subsidies, supplements or allowances payable out of public funds

29. In case the international scheme should provide for the maintenance of subsidies, supplements or allowances payable wholly or mainly out of public funds, should this advantage apply

(i) to all persons, irrespective of nationality ?

(ii) or only to nationals of Members adopting the scheme ?

In the latter case, should this advantage apply also to all persons without nationality ?

Restriction on commutation

30. Do you consider that the provisions of national law relating to the commutation of a pension for a lump sum in case of residence abroad should not apply to beneficiaries under the international scheme while resident in the territory of any other Member adopting the scheme ?

Non-contributory pensions

31. (a) Do you consider that the international scheme should provide for the maintenance of pensions awarded under a non-contributory scheme on behalf of persons entitled to such pensions and resident outside the country which is liable for them ?

(b) If so, do you propose to grant this advantage to persons entitled to non-contributory pensions :

(i) irrespective of their place of residence ?

or (ii) only while resident in the territory of any other Member adopting the scheme ?

ARRANGEMENTS FOR PAYING BENEFITS

Medium of payment

32. Do you consider it desirable to lay down that the institution liable for benefit under the international scheme

should have power to discharge in the currency of its own country its liability to persons entitled to benefit ?

Commutation of small pensions

33. (a) Do you propose to give the institution liable for benefit power to commute any pension the monthly rate of which does not reach a certain minimum for a lump sum to be calculated according to the provisions applicable to the institution ?

(b) If so, how do you propose to fix this minimum ?

(c) Further, do you propose to lay down a special minimum for the case where partial pensions are due from the institutions of two or more Members participating in the international scheme ?

(d) If so, how do you propose to fix this special minimum ?

Provision for reduction or suspension

34. Do you consider that the provisions of the national law of a Member for the reduction or suspension of benefit in case of concurrent rights to other social insurance benefits, or in case of exercise of an employment involving liability to insurance, should apply to persons entitled to benefits under the international scheme, even in respect of benefit payable by an insurance institution established in the territory of any other Member participating in the scheme and in respect of the exercise of an employment in such territory ?

IV. — MUTUAL ASSISTANCE IN ADMINISTRATION

Principle of mutual assistance

35. Do you consider it desirable to lay down the principle that the authorities and the social insurance institutions of Members adopting the international scheme should afford one another assistance to the same extent as they do in applying their own social insurance legislation ?

Investigations

36. If you agree with the principle of mutual assistance, do you consider that such assistance should include the necessary investigations and medical examinations requested by the insurance institution of any other Member participating in the international scheme for the purpose of determining whether the persons in receipt of benefits for which this institution is liable satisfy the qualifying conditions ?

Expenses of mutual assistance

37. (a) Do you consider that it would be desirable to lay down rules for the repayment of the expenses of mutual assistance ?

(b) If so, do you propose that the sum to be repaid should be determined according to the scale of the authority or insurance institution which affords assistance, and that, in the absence of a scale, the actual expenditure incurred should be repaid ?

(c) Further, do you propose to fix the date at which repayment is to be effected, and, if so, how ?

Exemption from taxation

38. Are you in favour of providing that the privilege of exemption from taxation accorded for documents submitted to the authorities or insurance institutions of one Member should be extended to the corresponding documents submitted, in connection with the administration of the international scheme, to the authorities and institutions of any other Member participating in the scheme ?

Administration and payment of total benefit by institution of place of residence of beneficiary

39. Do you consider that the institution liable for benefit should be empowered, where the beneficiary resides in the territory of another Member participating in the international scheme, to agree with the institution competent for the place of residence of the beneficiary that the latter institution should undertake the payment of the benefit, subject to repayment by the former ?

Obligation to declare insurance periods

40. Do you consider that an insured person who enters the insurance of a Member adopting the international scheme should be required to declare, within a certain time-limit reckoned from the date of such entry, the periods spent by him in the insurance of any other Member adopting the scheme ?

V. — OPERATION OF INTERNATIONAL SCHEME

Date of coming into force

41. Do you consider that the coming into force of the international scheme to be established by the Draft Convention should be determined according to the following rules ?

(a) Initial coming into force :

Twelve months after registration of the ratification of the Draft Convention by two Members, so far as they are concerned ;

- (b) Coming into force for other Members:
Twelve months after registration of their ratifications.

Body to assist Members in applying scheme

42. (a) Do you consider that it would be useful to establish a special body for the purpose of assisting Members adopting the international scheme in the application thereof?

(b) If so, how do you propose to regulate the composition of this body?

Pensions not awarded or else suspended by reason of residence abroad

43. Do you consider that pensions in respect of which no award has been made or which have been suspended, before the coming into force of the international scheme, because the persons concerned reside abroad, should be awarded or resumed as from the coming into force of the scheme?

Recovery of rights in respect of periods antecedent to the coming into force of the scheme

44. Do you consider that, for the purpose of maintaining rights in course of acquisition under the international scheme, account should be taken of rights in respect of periods antecedent to the coming into force of the scheme?

Review of previous awards and review of rights in pursuance of the scheme

45. (a) Do you consider that an obligation should be imposed to review awards made before the coming into force of the international scheme, and to review rights for the purpose of reviving them or making an award in pursuance of the scheme, provided that review shall not involve the payment of any arrears or repayment of benefit for the period antecedent to the coming into force of the scheme?

(b) If so, do you consider that the review should take place:

(i) as a matter of course?

or (ii) only at the instance of one of the institutions concerned?

or (iii) only at the request of the claimant?

(c) Do you consider, however, that review should not take place:

(i) where the claim has been settled by a lump-sum payment?

- (ii) where the person concerned was awarded a pension before the international scheme came into force in respect of the institutions of two or more Members participating in the scheme?

Undertaking by Members not having established compulsory old-age insurance

46. Do you consider that Members who, at the date of registration of their ratifications, have not yet set up a scheme of compulsory insurance (or a scheme of non-contributory pensions) covering at least the risk of old age, or that of invalidity also, should by ratification bind themselves to introduce, within the twelve months following the registration of their ratifications, a scheme of compulsory insurance (or non-contributory pensions),

(i) covering the risk of old age;

or (ii) covering the risks of old age and invalidity?

Minimum conditions to be fulfilled by insurance laws

47. (a) Further, do you consider that, in order to be able to claim in their entirety the advantages provided by the international scheme in connection with the maintenance of rights in course of acquisition, every Member participating in the scheme must have enacted concerning invalidity insurance, old-age insurance, and widows' and orphans' insurance, legislation fulfilling minimum conditions?

(b) If so, what, in your view, should be the minimum conditions to be fulfilled?

(c) If not, do you consider that Members participating in the international scheme, whose legislation covers the three risks of invalidity, old age and death (or only two of these risks) should be able to apply, as regards the maintenance of rights in course of acquisition, special provisions in their relations with any other Member likewise participating in the scheme, but whose law only covers two of these risks (or only the risk of old age)?

(d) If the reply to (c) is in the affirmative, what special provisions should, in your view, be applied such cases?

Equality of treatment for nationals of Members adopting scheme

48. (a) Do you consider that adoption of the international scheme should involve for every Member (in so far as it has not ratified the Draft Conventions adopted by the International Labour Conference concerning compulsory invalidity insurance, compulsory old-age insurance, and compulsory widows' and orphans' insurance) an undertaking to treat the nationals of